



United States Department of the Interior

BUREAU OF LAND MANAGEMENT

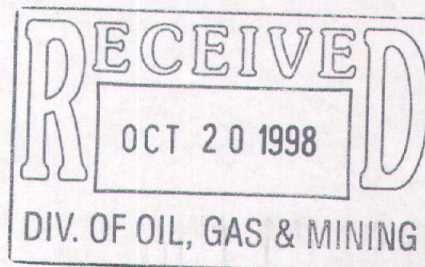
Salt Lake District Office  
2370 South 2300 West  
Salt Lake City, Utah 84119

IN REPLY REFER TO:

3809  
(UT-024)  
U-75749

OCT 19 1998

CERTIFIED MAIL # Z 155 665 789  
RETURN RECEIPT REQUESTED



DECISION

William L. Bown :  
Utah Building Stone Supply : 43 CFR 3809  
842 West 400 North : Surface Management  
West Bountiful, Utah 84087 : Notice of Noncompliance

Notice of Failure to Properly Dispose of Solid Waste and  
Properly Store Topsoil for Reclamation in the Dove Creek Area

On May 14, 1998 we received your Notice to process quartzite material on the Dove Creek mill site (UMC 364712) in Section 12, T. 12 N., R. 15 W., Box Elder County, Utah. The Dove Creek mill site is assigned Bureau of Land Management (BLM) file number U-75749. Please refer to this number when responding to this decision. On October 5, 1998, Cheryl Martinez and Michael Johnson inspected this site and found that you are in noncompliance with the Surface Management Regulations, specifically 43 CFR 3809.1-3(d)(4)(i), 43 CFR 3809.2-2(c) and 43 CFR 8365.1-7(g) which relate to storing topsoil and solid waste disposal. These regulations are included as Enclosures 1 and 2.

The following problems were noted during the inspection and case file review:

1. Number six, in your accepted Notice stated that a six or eight inch layer of topsoil will be removed initially and stored for future reclamation. In addition, you submitted a Dove Creek Millsite map, Attachment A, that indicated storage of topsoil on the eastern boundary of the mill site. On site there was no topsoil saved (43 CFR 3809.1-3(d)(4)(i)).
2. Our June 22, 1998, acceptance letter recommended that you rent or purchase a "porta potty" to ensure that there were no leaks and that pumping of the facility occurred on a regular basis. On site, between the three camper trailers and quartzite piles there was some sort of earthen pit privy and directly above it an approximately 3 feet x 3 feet x 4 feet high structure on the surface (43 CFR 3809.2-2(c) and 43 CFR 8365.1-7(g)).



Failure of an operator to comply with all pertinent Federal, State and County laws subjects the operator to being served with a Notice of Noncompliance. Your activities in the Dove Creek area have resulted in unnecessary and undue degradation of Public Lands for which you are hereby being issued a Notice of Noncompliance.

In order to bring yourself in compliance with Federal regulations, you must do the following, within 15 days of receipt of this letter:

1. Immediately cease all stockpiling, splitting or palleting operations on the subject mill site, until the following items are completed:
  - A. For the five acre mill site area salvage, store and mark(sign) ten inches of topsoil for final reclamation on the eastern portion of the mill site.
  - B. Properly dispose of the waste within the earthen pit privy, by pumping the fluids using an appropriate pumping service. Materials left after the pumping must be excavated and disposed of at an appropriate facility pursuant to county regulations. Submit to this office a receipt of the pumping services to verify that the pit was properly pumped. Prior to backfilling the pit, contact this office for a field inspection. The pit may be backfilled after the field inspection is conducted. You are not allowed to bury the solid waste on site or other public lands.
  - C. Provide this office with copies of sanitation permits from Bear River Health Department.

All operators who have established a Record of Noncompliance are required to submit a Plan of Operations and must post a bond of 100% of the estimated cost for reclamation, including administrative costs, for any and all future mining operations.

An appeal from this decision may be taken to the State Director, Utah State Office, BLM, in accordance with the provisions in Title 43 of the Code of Federal Regulations (CFR) Subpart 3809.4. If an appeal is taken, the notice of appeal must be filed in this office at 2370 South, 2300 West, Salt Lake City, Utah, 84119 within fifteen (15) days from receipt of this decision.

Do not send the notice of appeal to the State Director. The appeal and the case history will be sent to the State Director from this office. The appeal to the State Director must contain: 1) the name and mailing address of the appellant; 2) when applicable, the name of the mill site(s) and serial number(s) assigned to the mill site(s) recorded pursuant to Section 3833 of this title which are subject to appeal; and 3) a statement of reasons for the appeal and any arguments the appellant wishes to present which would justify



reversal or modification of the decision. To avoid summary dismissal of the appeal, there must be strict compliance with the regulations.

During the appeal to the State Director, all decisions from which the appeal is taken shall be effective during the pendency of the appeal.

If no appeal is taken, this decision constitutes final administrative action of this Department, as it affects the subject mill site. No appeal, protest, or petition for reconsideration will be entertained from this decision after the appeal period has expired.

If you have any questions, please contact Cheryl Martinez of my staff at (801) 977-4371.

Sincerely,

**GLENN A. CARPENTER**

Glenn A. Carpenter  
Field Manager

Enclosures (2)

cc: Utah State Office (UT-921)  
D. Wayne Hedberg, S/003/047  
Randy Wild